IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 1891 of 2007(A)

PETITIONER:

PREETHAKUMARI. K.A.,
BRANCH MANAGER (UNDER ORDERS OF SUSPENSION)
CHERANELLUR SERVICE CO-OP., BANK LTD.NO.62,
VADUTHALA BRANCH, KOCHI-682 034, RESIDING AT
VAZHIKULANGARA, N.PARUR P.O., ERNAKULAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

1. CHERANALLOOR SERVICE CO-OP.
BANK LTD.NO.62, CHERANALLOOR P.O.,
ERNAKULAM-27, REP. BY ITS PRESIDENT.

2. JOINT REGISTRAR OF CO-OP.SOCIETIES
(GENERAL) ERNAKULAM.

BY ADV. SRI.M.M.MONAYE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE SUSPENSION ORDER DATED 30.3.2006.

EXT.P2: TRUE COPY OF THE STATEMENT OF ALLEGATIONS DATED 20.6.2006.

EXT.P3: TRUE COPY OF THE REPLY DATED 4.7.2006 FILED BY THE PETITIONER.

EXT.P4: TRUE COPY OF THE COMMUNICATION DATED 18.9.06 OF THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF THE RECEIPTS DATED 7.4.06, 28.4.06, 3.5.06, 21.6.06, 10.7.06 AND 3.8.06.

EXT.P6: TRUE COPY OF THE LIST OF DOCUMENTS DATED 14.11.06 OF THE 1ST RESPONDENT.

EXT.P7: TRUE COPY OF THE PETITION FILED BY THE PETITIONER DATED 29.11.2006.

EXT.P8: TRUE COPY OF THE LETTER DATED 12.12.06 TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

//true copy//

P.S. To Judge

sk/-

K.M.JOSEPH, J.

W.P.(C) No.1891 of 2007 A

Dated this the 4th day of June, 2007.

JUDGMENT

The case of petitioner is as follows: The petitioner was working as the Branch Manager of the first respondent/bank. She was placed under suspension alleging series of misappropriation. The bank issued Ext.P2 charge sheet and placed before a Sub Committee. In the meantime, it is the further case of the petitioner that, the Director Board members contacted the petitioner and directed her to settle the matter by paying the amount. Accordingly, the petitioner paid a sum of Rs.20,12,297/- towards the total liability by selling off her house and she is now residing in a rented house. According to her, after that, in terms of the settlement she submitted an application for voluntary retirement from service. The petitioner claims to be a subscriber to Self Financing Pension scheme and that she is having 25 years of service. By Ext.P8, an Advocate is appointed as Inquiry Officer and another Advocate as Presenting Officer. According to the petitioner, the action of the Sub Committee is against the assurance given to her. The petitioner has approached this court seeking a direction to permit the petitioner to retire voluntarily from the service of the bank with effect from 30.11.2006 to enable her to get pension under the Self Financing Pension scheme.

2. I heard learned counsel for the petitioner and the learned counsel for the bank and also the learned Government Pleader.

3. Learned counsel for the petitioner is, of course, unable to make out a case that the petitioner has a legal right to seek voluntary retirement from service. However, I make it clear that it is certainly open to the first respondent/bank to consider the application and take a decision as it think fit.

Writ petition is accordingly closed.

Sd/-

(K.M.JOSEPH)

JUDGE

sk/

//true copy//

P.S. To Judge